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April 18, 2013

Our File Number: 08Z8-134298

VIA ECF

The Honorable Samuel Conti
Senior United States District Judge
United States District Court
Northern District of California
Courtroom No. 1, 17th Fl.
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Cathode Ray Tube (CRT) Antitrust Litigation*
Master File No. 07-5944 SC; MDL No. 1917

Dear Judge Conti:

I write on behalf of all defendants participating in the Cathode Ray Tube indirect purchaser litigation and certain of the direct action cases. We learned yesterday afternoon that Judge Legge is ill and unavailable to undertake the hearings currently on calendar for April 29 and May 1, 2013: (1) the indirect purchaser class plaintiffs' motion for class certification; (2) defendants' motion to exclude the opinions of plaintiffs' expert, Dr. Janet Netz; and, on the following day, (3) motions for leave to add new parties to several direct action complaints. Of course, all of us are distressed to hear that Judge Legge is ill and we wish him a speedy recovery. We understand that Judge Legge intends to resume his role as Special Master after he recovers from his illness.

We also understand that Your Honor currently intends to move forward with the hearing as scheduled by appointing a new Special Master. With great respect to the Court, and understanding the Court's desire to move the case forward, we believe the better way to address this situation would be to continue the hearing until Judge Legge is able to hear the motions. His familiarity with this case as it has developed over the past five years is not replaceable, especially for motions of this complexity and importance. Judge Legge himself had blocked out an entire day for hearing the motions for class certification and to exclude expert testimony. The briefs, exhibits and declarations total over 6,000 pages. All of the parties felt that thorough briefing was necessary, and the briefing page limits were the product of stipulations approved by

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the Court. The plaintiffs' three expert reports total 466 pages, and the defense expert's responses comprise 281 pages of analysis. The length of these reports was the product of the complexity of the issues raised, and amount of expert testimony necessary, for the indirect purchaser class certification motion.

The motion for class certification is well known to be the critical event in class action litigation. The defendants believe very strongly that having the judge who is familiar with the case, and has already had time with the papers, hear the motions is essential for the right result. We do not believe a short delay to allow Judge Legge to participate in this key aspect of the case would require any changes to the case schedule, and other aspects of the case, including ongoing discovery, could proceed in the interim.

Of course, we also recognize that sometimes there are emergencies or other reasons why judicial re-assignments must be made. If that is the case here, we urge the Court to continue the hearing for two critical reasons: first, any replacement for Judge Legge would need time to review the briefs, exhibits, and expert reports before the hearing; and second, if there is to be a new Special Master appointed, there should be time for the requirements of Rule 53 to be followed, including the need to make certain that the new appointment does not have any conflicts.

If additional information would be helpful, we are available for a telephone conference at any time convenient for the Court.

Respectfully yours,



James L. McGinnis

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:408336259.2

cc: All counsel via ECF
Judge Charles Legge c/o Sarah Nevins via email